THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.15722 of 2006

Dated:25-08-2006

Between:

B. Reddeppa.

.....PETITIONER

AND

The Regional Manager, APSRTC, Tirupati, Chittore District and others.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.15722 of 2006

ORDER:

The petitioner filed this writ petition seeking a writ of mandamus declaring the action of the respondents in not regularizing his services in the post of Driver, as illegal and arbitrary, and consequently to direct the respondents to regularize his services on par with his batch mates and unofficial respondents, and further direct the respondents to pay all incidental and consequential benefits flowing from such regularization.

The facts, in brief, are that the petitioner was appointed on 28.3.1999 as a casual driver in the respondent Corporation along with 40 others against the vacancies notified in the 1998 general notification. Three months thereafter, he was disengaged on 16-08-1999 along with his batch mates for a period of one month and again all of them were re-engaged from 16-09-1999 and since then, they have been performing their duties without any break. The petitioner states that as per the regulations, the respondent Corporation shall regularize the services of the employees, who have completed 240 days of service without any break. It is stated that the petitioner has completed 240 days of service as

on 01-03-2000, and by 22-08-2004 he had completed 1335 days of service. While so, the petitioner contends that the 1st respondent without regularizing his services, has regularized the services of his juniors, namely 3rd and 4th respondents. The petitioner states that when he approached the Personnel Officer, APSRTC, Tirupathi, and the Regional Manager, APSRTC, Tirupati, by way of appropriate representations on 23-01-2003, they informed him that they did not receive the musters of the petitioner at the time of preparing the regularization list. The petitioner states that immediately, thereafter, he collected all the musters and submitted the same to the Personnel Officer, Tirupathi, but no action thereon was taken. Therefore, he made another representation to the 1st respondent on 21-04-2006 through the 2nd respondent, for regularization of his services, but no action thereon had been taken so far. Hence, the writ petition.

Despite ordering notice before admission and despite granting sufficient time to the respondents to file counter, no counter is filed till date.

Heard the learned counsel for the petitioner and perused the material available on record.

The petitioner states that the respondents regularized the services of his juniors, namely respondents 3 and 4, and that even though he made representations on 23-01-2003 and 21-04-2006 for regularization of his services along with the musters, till date no action had been taken thereon. The respondents did not file counter rebutting the allegations made by the petitioner. In the absence of any counter filed by the respondents, and having

regard to the fact that the representations dated 23.01.2003 and 21.04.2006, said to have been made by the petitioner to the 1st respondent, are pending consideration, I deem it appropriate to dispose of the writ petition with the following directions:

The 1st respondent, namely the Regional Manager, APSRTC, Tirupati, is directed to consider the representations dated 23.01.2003 and 24.01.2006, said to have been made by the petitioner for regularization of his services on par with his juniors, and pass appropriate orders thereon, expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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(N.V. RAMANA, J.)

Date:25-08-2006.

sj/ksr